UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT WINCHESTER

WESLEY BRETT GARNER, GARRETT WESTON GARNER, EMC INCORPORATED BUILDING SYSTEMS, MATTHEW C. ELLIS))))
Plaintiffs,)
v. AMERICAN NATIONAL PROPERTY AND CASUALTY COMPANY, SCOTTSDALE INSURANCE COMPANY, PROGRESSIVE HAWAII INSURANCE CORPORATION) CIVIL ACTION NO. 4:10-cv-00006 TWELVE PERSON JURY DEMAND)))))
Defendants.	,)

AGREED STIPULATION OF DISMISSAL

Come now the plaintiffs, through their counsel, and Scottsdale Insurance Company, through counsel, pursuant to Fed. R. Civ. P. 41 and stipulate that the above captioned case should be dismissed, with prejudice, against Scottsdale Insurance Company only, based upon the payment of policy limits by Scottsdale Insurance Company for the loss sustained by EMC INCORPORATED BUILDING SYSTEMS.

Counsel for all parties have agreed to this dismissal, as evidence by their electronic signatures below, pursuant to Fed. R. Civ. P. 41(a)(1)(ii).

Respectfully submitted,

s/ Parks T. Chastain
PARKS T. CHASTAIN

Registration No. 13744

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s/ Michael M. Raulston

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s/ N. Mark Kinsman

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s/Terrill L. Adkins

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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of September, 2010, a true and correct copy of the foregoing <u>STIPULATION OF DISMISSAL</u> was filed electronically. Notice of this filing will be sent by operation of the court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U. S. Mail. Parties may access this file through the court's electronic filing system.

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s/ Parks T. Chastain

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PTC:dmt